

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALBERTO ALFARO-IZA,

Defendant.

Case No. 2:13-cr-00121-APG-GWF

**ORDER**

This matter is before the Court on the Government's Motion to Extend Time to Respond to Supplemental Briefing on Defendant's Motion to Suppress (#73), filed on May 12, 2014. Defendant filed his Response to the Government's Motion (#74) on May 13, 2014.

On April 30, 2014, the Court conducted an evidentiary hearing on Defendant's Motion to Suppress (#40). This hearing date was set pursuant to a stipulation to continue the evidentiary hearing filed by the parties on March 4, 2014, requesting that the hearing be continued for a period of not less than 45 days. *See Stipulation (#64) and Order on Stipulation (#65)*. On April 24, 2014, the District Judge scheduled trial for May 13, 2014. At the conclusion of the evidentiary hearing on April 30, 2014, Defendant's counsel requested leave to file a post-hearing supplemental brief on the motion to suppress. After conferring with counsel, the Court ordered that Defendant file his supplemental brief by or before May 7, 2014 and that the Government file its response by May 14, 2014.

The Court informed the parties that even without supplemental briefing, it would be impossible to issue a report and to recommendation on the motion to suppress, for objections to be filed and for the District Judge to rule on the objections before the scheduled trial of May 13, 2014.

1 The Court suggested that the parties stipulate to continue the trial for a period of sixty days so that  
2 the motion to suppress could be ruled on prior to trial. The parties filed the stipulation to continue  
3 the trial on May 5, 2014, which was granted on May 6, 2014. Trial is now scheduled for August  
4 12, 2014.

5 Defendant filed his supplemental brief on May 7, 2014. Counsel for the Government  
6 moves to extend the time for filing the Government's response on the grounds that she desires to  
7 review the hearing testimony in order to draft an appropriate responsive brief. The Government  
8 therefore requests leave to file its response seven days after it receives a transcript of the hearing.  
9 The Government acknowledges that it can take up to 30 days to obtain the hearing transcript. The  
10 Court is informed, however, that the Government can obtain a compact disc ("CD") recording of  
11 the hearing within one day after the request is made. A recording of the hearing would appear to be  
12 sufficient for Government counsel's purpose of being able to review the testimony in order to  
13 respond to Defendant's supplemental brief. Accordingly,

14 **IT IS HEREBY ORDERED** that the Government's Motion to Extend Time to Respond to  
15 Supplemental Briefing on Defendant's Motion to Suppress (#73) is **granted** as follows:

16 1. The Government shall promptly request a recordable compact disc-CD recording of the  
17 April 30, 2014 evidentiary hearing. *See attached form.*

18 2. The Government's responsive brief shall be due on **May 23, 2014.**

19 DATED this 13th day of May, 2014.

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21   
22 GEORGE FOLEY, JR.  
23 United States Magistrate Judge  
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AO 436  
(Rev. 12/04)

Administrative Office of the United States Courts

## CD/TAPE ORDER

Read Instructions on Next Page.

1. NAME		2. PHONE NUMBER		3. DATE	
4. MAILING ADDRESS		5. CITY		6. STATE	7. ZIP CODE
8. CASE NUMBER	9. CASE NAME		DATES OF PROCEEDINGS		
		10. FROM		11. TO	
12. PRESIDING JUDGE		LOCATION OF PROCEEDINGS			
		13. CITY		14. STATE	
15. ORDER FOR					
<input type="checkbox"/> APPEAL		<input type="checkbox"/> CRIMINAL		<input type="checkbox"/> CRIMINAL JUSTICE ACT	
<input type="checkbox"/> NON-APPEAL		<input type="checkbox"/> CIVIL		<input type="checkbox"/> BANKRUPTCY	
				<input type="checkbox"/> OTHER (Specify)	
16. TAPE REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which duplicate cd/tape(s) are requested.)					
PORTION(S)		DATE(S)		PORTION(S)	
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<input type="checkbox"/> OPENING STATEMENT (Plaintiff)					
<input type="checkbox"/> OPENING STATEMENT (Defendant)					
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<input type="checkbox"/> CLOSING ARGUMENT (Defendant)					
<input type="checkbox"/> OPINION OF COURT					
<input type="checkbox"/> JURY INSTRUCTIONS				<input type="checkbox"/> OTHER (Specify)	
<input type="checkbox"/> SENTENCING					
<input type="checkbox"/> BAIL HEARING					
17. ORDER					
<input type="checkbox"/> REFORMATTED DUPLICATE TAPE(S) FOR PLAYBACK ON A STANDARD CASSETTE RECORDER AT 1-7/8 INCHES PER SECOND		NO. OF COPIES REQUESTED		COSTS	
<input type="checkbox"/> UNREFORMATTED DUPLICATE TAPE(S) FOR PLAYBACK ON A 4-TRACK CASSETTE RECORDER AT 1-7/8 INCHES PER SECOND					
<input type="checkbox"/> UNREFORMATTED DUPLICATE TAPE(S) FOR PLAYBACK ON A 4-TRACK CASSETTE RECORDER AT 15/16 INCHES PER SECOND					
<input type="checkbox"/> RECORDABLE COMPACT DISC - CD					
CERTIFICATION (18. & 19.) By signing below, I certify that I will pay all charges (deposit plus additional) upon completion of the order.		ESTIMATE TOTAL		0.00	
18. SIGNATURE		19. DATE			
PROCESSED BY		PHONE NUMBER			
ORDER RECEIVED	DATE	BY	DEPOSIT PAID		
DEPOSIT PAID			TOTAL CHARGES	0.00	
TAPE / CD DUPLICATED			LESS DEPOSIT	0.00	
ORDERING PARTY NOTIFIED TO PICK UP TAPE			TOTAL REFUNDED		
PARTY RECEIVED TAPE / CD			TOTAL DUE	0.00	

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